

ASSEMBLY BILL

No. 1634

Introduced by Assembly Member Skinner

(Principal coauthor: Senator Hancock)

**(Coauthors: Assembly Members Ammiano, Bonta, Gonzalez, Quirk,
Ting, and Wieckowski)**

February 10, 2014

An act to amend Section 6600 of the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as introduced, Skinner. Occupational safety and health: violations.

Existing law establishes the Division of Occupational Safety and Health in the Department of Industrial Relations to enforce employment safety laws. Existing law authorizes the division to conduct hearings, inspections, and investigations regarding alleged violations of employment safety laws and to issue a citation for a violation of those laws, including violations that regulations adopted by the division classify as serious, repeat, or willful violations. Existing law establishes the Occupational Safety and Health Appeals Board in the department, and prescribes procedures for the appeals board to hear and decide appeals of a citation. Regulations adopted by the appeals board generally stay the abatement period of a citation until the conclusion of the appeal.

This bill would prohibit the stay of an abatement period during the pendency of an appeal of a citation for a violation that is classified as a serious violation, repeat serious violation, or willful serious violation. The bill would, however, authorize the division to stay these abatement

periods, upon request, if the division determines that a stay will not adversely affect the health and safety of employees.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6600 of the Labor Code is amended to
2 read:
3 6600. ~~Any~~ (a) An employer served with a citation or notice
4 pursuant to Section 6317, or a notice of proposed penalty under
5 this part, or any other person obligated to the employer as specified
6 in subdivision (b) of Section 6319, may appeal to the appeals board
7 within 15 working days from the receipt of ~~such~~ the citation or
8 ~~such~~ notice with respect to violations alleged by the division,
9 abatement periods, amount of proposed penalties, and the
10 reasonableness of the changes required by the division to abate
11 the condition.
12 (b) (1) An appeal of a citation that is classified as a serious
13 violation, a repeat serious violation, or a willful serious violation
14 shall not stay the abatement periods and requirements of the
15 division, except as provided in paragraph (2).
16 (2) If a stay of abatement is requested from the division with
17 respect to an appeal described in paragraph (1), the division may
18 stay the abatement if the division determines that a stay will not
19 adversely affect the health and safety of employees.